

# PLANNING COMMISSION MEETING

## A G E N D A

TOWN OF CHINCOTEAGUE

September 25, 2007 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA ADOPTION:

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1. Review of July 18, 2007 Minutes
2. Adoption of August 28, 2007 Minutes
3. Adoption of September 5, 2007 Minutes
4. **Public Hearing** for Proposed Sign Ordinance
  - Possible recommendation for a Zoning Ordinance Change
5. Review of Roads Subdivision
6. Commission Members Announcements or Comments  
*(Note: Roberts Rules do not allow for discussion under comment period)*

ADJOURN:

**Town of Chincoteague Planning Commission Meeting**  
**July 18, 2007**  
**Minutes**

Members Present:

Mr. Robert Behr  
Hon. Ellen W. Richardson  
Mrs. Mollie Cherrix  
Mrs. Jane Wolffe

Mr. Chuck Ward  
Mr. Ray Rosenberger, Chairman  
Mr. Tom Derrickson

Staff Present:

Mr. Kenny Lewis, Building and Zoning Administrator  
Mr. Jared Anderson, Director of Planning  
Mr. Robert Ritter, Town Manager

1. Call to Order

Chairman Rosenberger called the meeting to order at 7:00 p.m.

2. Roll Call by Mr. Kenny Lewis

3. Invocation followed by Pledge of Allegiance

4. Public Participation

NONE

5. Adoption Agenda

There was a motion and a second to adopt the agenda as presented. The motion was unanimously approved.

6. Adoption of the June 26, 2007 Minutes

There was a motion and a second to adopt the June 26, 2007 minutes as presented. The motion was unanimously approved.

7. Public Hearing for Possible Zoning Changes to Condominiums, Townhouses, and Multi-Family dwellings in C-1 and C-2 Districts.

Chairman Rosenberger opened the meeting up to the public for comment. There were no public comments.

Mr. Ward feels that Condominiums, Townhomes, and Multi-family dwellings should remain as uses permitted by special exception in the R-3 district because they are a residential use. He also has concerns about using the R-3 area, setback, and lot size requirements if these uses were permitted by Conditional Use only. The concern being it would not give the Mayor and Council as much discretion as it would if they did not follow R-3 district requirements.

Ms. Wolffe has reservations about leaving Condominiums, Townhouses, and Multi-family dwellings as uses permitted by special exception in the R-3 District. There are pluses and minuses for both leaving it the same and changing it. The plus for changing it is it would give the Mayor and Council, and Neighborhoods more input. The minus would be if the Council changes every few years it might be difficult to maintain consistency over the years.

Mr. Derrickson asked what the reason was behind changing it from its current status. Mr. Lewis stated that by allowing these uses as Conditional Uses it gives the Mayor and Council the ability to make compromises for the well-being of the town. Mr. Derrickson has concerns over the taking of property rights. Another reason for introducing these changes are to protect the limited amount of land in the Commercial Districts.

Mrs. Wolffe made a motion to recommend to use 'alternate second paragraph' for area and setback requirements and 'alternative' paragraph for Lot Size, in addition to the rest of the original motion as set forth by the Town's Attorney. It should also read that only a project with preliminary plat approval will be grandfathered if the said ordinance were to change. The motion was properly seconded. Ayes- Richardson, Behr, Wolffe, Ward, Cherrix, Nays- Derrickson.

These recommendations will be forwarded to Council.

8. Public Hearing for Conditional Use Permit Application

Ms. Schreiberstien stated that she would be willing to pick up her clients so that there should be no issue over parking availability at the property.

Chairman Rosenberger opened the meeting up for public comment.

-Ms. Mary Jester, owns the property beside and two properties across from Ms. Schreiberstein stated she has no problem with what Ms. Schreiberstein has requested.

-Dr. Glenn Wolffe, questioned the reasons why this issue needed to be considered under a conditional use permitting process. The reason is because the use is not identified as a permitted use in the Town Code. Dr. Wolffe feels that issues of parking and whether or not

there are two different businesses are not the main reason it is before the Planning Commission; rather it is because of the use not being permitted. Dr. Wolffe supports allowing this use, he feels the face of medicine is changing and he would like to see holistic medicine as a permitted use in the future.

-Ms. Corrina Limebeck, sister of applicant, stated this type of medicine gave her husband the peace of mind that helped him deal with his illness.

Mr. Ward stated that he could not find anywhere in the Town Code that would disallow this use. His concerns were of the dimensional standards of the site. In the Conditional Use section of the Zoning Ordinance it says that all the other parts of the section shall be considered. Mr. Ward feels that issues such as parking should be considering when considering a conditional use application.

Ms. Schriebstein listed several known hospitals that offer these types of services. She also said the more accurate term to describe the use is “complementary medicine.”

Mr. Derrickson made a motion to recommend to council that the conditional use application submitted by Ms. Schriebstein be approved. The motion was seconded. Ayes-Cherrix, Derrickson, Richardson, Behr, and Wolffe. Abstained- Ward.

#### 9. Sight Distance Triangle

Mr. Anderson stated that there is a direct conflict between a section of chapter 58 and a section of the Zoning Ordinance. The issued was already addressed in 2004 first by the Ordinance Committee and then by the Planning Commission. There was a recommendation by the Planning Commission to send it to public hearing but there is no record of that ever happening. Mr. Anderson stated that the first thing that should be done is to eliminate one of the sections so there is no direct conflict between the Town Code and the Zoning Ordinance.

Councilwoman Richardson made a motion for a public hearing to repeal Section 2.149 of the Zoning Ordinance. The motion was seconded. Unanimously approved.

#### 10. Landings for Exterior Doors

Chairman Rosenberger stated that the biggest concern about enlarging the landing is that it not become a deck. The recommended size of 5 feet x 5 feet provides enough room for safe ingress and egress. Mr. Anderson gave some background information such as the current standards require that an exterior doorway have an attached landing that is a minimum of 3 feet x 3 feet. He says there is literature that supports a larger landing for safety purposes. He also does not think that a 5 x 5 foot landing is large enough to become a porch.

Mr. Ward asked from a building code standpoint what were the concerns with a larger landing. Mr. Lewis stated that the concerns are over the fact that landings along with steps are not

considered as part of the structure, while a porch or deck is considered part of the structure and therefore subject to setback requirements. If there is a 25' setback and the house is only 10' from the road, a deck could not be placed on the front of the structure but steps and a landing could.

Councilwoman Richardson made a motion to set a date for public hearing to amend the zoning ordinance to allow for a 5 feet x 5 feet landing.

11. Building Permit Update

Already handed out last month, nothing new.

12. Sign Ordinance- Town Attorney's Observation

Chairman Rosenberger asked Mr. Anderson if he could provide each Planning Commissioner with the latest version of the Sign Ordinance that was sent to Mr. Poulson. This will be an agenda item next month.

Commission Members Announcements or Comments

NONE

There was a motion and a second to adjourn the meeting.

# **Town of Chincoteague Planning Commission Meeting**

August 28, 2007

## **Minutes**

### Members Present:

Mr. Robert Behr  
Hon. Ellen W. Richardson  
Mrs. Mollie Cherrix  
Mrs. Jane Wolffe

Mr. Chuck Ward  
Mr. Ray Rosenberger, Chairman  
Mr. Tom Derrickson

### Staff Present:

Mr. Jared Anderson, Director of Planning  
Mr. Robert Ritter, Town Manager

### 13. Call to Order

Chairman Rosenberger called the meeting to order at 7:00 p.m.

### 14. Roll Call by Mr. Jared Anderson

### 15. Invocation followed by Pledge of Allegiance

### 16. Public Participation

NONE

### 17. Adoption Agenda

Mr. Ward moved that the Pony Pines Major Subdivision review which was agenda item six be moved up to agenda item four. Properly seconded. The motion was unanimously approved.

### 18. Adoption of the July 18, 2007 Minutes

Mrs. Wolffe stated that on the second page of the minutes the last few sentences where it started "The minus for leaving it the same..." were transcribed incorrectly. The Planning Director noted this error and would fix it. Chairman Rosenberger commented that there were a few places where it indicated that he voted on a particular action item. He stated that he does not normally vote unless there is a tie. The Planning Director noted this error and will fix it.

Mrs. Wolfe has concerns about whether the language in a motion should be identified in the minutes rather than just stating that there was a motion. It was noted by staff that the language of a motion should be identified in the minutes.

There was a motion and a second to adopt the July 18, 2007 minutes with the assumption that the following request be completed. The motion was unanimously approved.

#### 19. Public Hearing for Repeal of Section 2.149 Sight Distance Triangle

The public hearing is being held to address whether Section 2.149 of the Zoning Ordinance should be repealed.

Chairman Rosenberger opened the meeting up to the public for comment. There were no public comments.

Mr. Ward questions if the Sight Distance Triangle is only in Chapter 58 who will enforce it? Mr. Anderson stated that it will be in the Town Code so the Code Officer would be the enforcer.

Chairman Rosenberger's only concern is if the Town adopts VDOT regulations for subdivision roads this Sight Distance Triangle might conflict with their standards.

Mrs. Wolfe moves "to recommend that Section 2.149 of the Zoning Ordinance be repealed." Mr. Behr seconds the motion. Unanimously approved.

#### 20. Public Hearing for Exterior Door Landings

Chairman Rosenberger opened the floor up for public comment.

- Mrs. Anne Davis highly recommends that action be taken to approve the increased size for exterior door landings. She says it will help the young people who may not have as much money and could not go through the variance process.

Chairman Rosenberger states that the paramount issue is safety.

Councilwoman Richardson moves to recommend the change to the Town Council. The motion is as follows:

The Planning Commission recommends the following amendments to sections 3.3.2, and 3.12.2 of the Zoning Ordinance:

*Setback.* Structures [**excluding steps, and a landing not greater than 5 Feet x 5 Feet**] shall be located a minimum of 50 feet from any street right-of-way. When a structure is to be built in an

area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

The Planning Commission recommends the following amendments to sections 3.6.2, 3.9.2 of the Zoning Ordinance:

*Setback.* Structures **[excluding steps, and a landing not greater than 5 Feet x 5 Feet]** shall be located a minimum of 25 feet from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots or new subdivisions after enactment of this ordinance.

The Planning Commission recommends the following amendments to sections 4.3.2, and 4.6.2 of the Zoning Ordinance:

*Setback.* Structures **[excluding steps, and a landing not greater than 5 Feet x 5 Feet]** shall be located a minimum of 10 feet from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots or new subdivisions after enactment of this ordinance.

The Planning Commission recommends the following amendment to Section 3.3.5 of the Zoning Ordinance:

*Corner lots.*

(2) The side yard abutting or next to the street shall be 35 feet for both the main and accessory buildings/ structures **[excluding steps, and a landing not greater than 5 Feet x 5 Feet]**.

The Planning Commission recommends the following amendments to Sections 3.6.5, and 3.9.5 of the Zoning Ordinance:

*Corner lots.*

(2) The side yard abutting or next to the street shall be 15 feet for both the main and accessory buildings/ structures **[excluding steps, and a landing not greater than 5 Feet x 5 Feet]**.

The Planning Commission recommends the following amendments to Sections 4.3.5, and 4.6.5 of the Zoning Ordinance:

*Corner lots.*

(2) The side yard abutting or next to the street shall be 15 feet for both the main and accessory buildings/ structures **[excluding steps, and a landing not greater than 5 Feet x 5 Feet]**.



## 21. Pony Pines Major Subdivision

Mr. Anderson began discussions by stating that the plats before the Planning Commission regarding the Pony Pines Major Subdivision were preliminary plats. Under the Town's Ordinance the preliminary plats are only approved by the zoning administrator. Because the developer has already come before the Planning Commission, the Zoning Administrator thought that it would be a good idea to come back with any updates.

Mr. Inman, the attorney for Pony Pines stated that they addressed the concerns of the Commissioners:

- Changed orientation of the decks to face channel
- Changed light pole height down to ten feet
- Moved fence on side lot back ten feet and designed landscaping
- Decided not to add swimming pool to development.

All the units are two bedroom units so there is enough parking proposed.

Councilwoman Richardson has concerns over where the green box is located and if the trash collector would have to back in from Eastside Road. It was proposed that the green box be placed in a more central location so that trash pickup can be made within the development without backing in from Eastside Road.

Mr. Ward asked the developers if it would be possible for a landscaping plan to show what they intend to plant.

It was suggested to the developers that they use the Granville lighting series for the development to stay consistent with the Town.

There were concerns about the septic mounds and how it would affect storm water runoff from the site. Mr. Cooley explained that there was a stormwater management plan already on file. Mr. Ward had concerns over changing the topography of the site with the raised mounds. Commissioners would like some assurance that it will not disturb the adjacent sites.

Mr. Derrickson stated that the Commission needs to be careful what they ask for from developers and not request conditions that incur unnecessary costs.

Mr. Ward moves to "advise Mr. Lewis that the Planning Commission's concerns for the Preliminary Plat of the Pony Pines Subdivision have been met." Seconded by Mrs. Wolffe. Unanimously approved.

Mr. Schmidt also stated that they will look into additional concerns such as:

- Trash pickup at a more central location and not directly off of Eastside Drive
- Identify vegetation and landscaping

- Look into Granville-style lighting

## 22. Planning Directors Report

- a. Review of Conditional Use Process and Special Exception Process  
Mr. Anderson researched both of these processes and came up with diagrams that show what steps are necessary for each of these processes. Mr. Anderson hopes that it simplifies things for persons not familiar with these processes.
- b. Comprehensive Plan Update- Stakeholder Meetings  
Mr. Anderson explained that the Consultant would be holding a series of small stakeholder meetings September 19. Mr. Anderson encouraged Commissioners to attend and submit names of persons that might be interested in attending.

## 23. Setting the date for a public hearing for a possible zoning change of “Article VII-Signs” of the Zoning Ordinance

Mr. Anderson provided the Commissioners with the latest copy of the proposed amendments to the sign ordinance. Also included in the agenda packet were the Town Attorney’s observations of the proposed sign ordinance. It was suggested that the Commission go through each of the observations provided by the Town’s Attorney.

### 7.2.66 and 7.6.7 Vehicular Signs

- Mr. Poulson is concerned about not addressing signs on moored boats.
- the Planning Commission will address this later.

### 7.3.2 Art Work

-Mr. Anderson was confused as to why “art work” was in the sign ordinance. Mrs. Wolffe explained that it was in before the process of looking at the sign ordinance began. Mr. Ward stated that art work is difficult to regulate because there are different views on what is art. It was suggested by Mr. Poulson that it is not proper for the Planning Commission to make such a decision. Mr. Derrickson made a motion to “remove 7.3.2 Artwork from the proposed Sign Ordinance.”

### 7.6.16 Changeable letter signs either freestanding or stand alone.

- Mr. Poulson questions whether this is “intended to not only prohibit scrolling signs but also a sign which changes its message by changing the lighting on a periodic basis...” The Commission sees this as a question and the answer to Mr. Poulson’s question is “Yes.”

## 7.7 Nonconforming Signs

-Mr. Poulson has concerns about the January 4, 1994 date as it constitutes a retroactive application of the Ordinance. "We now have the Sign Ordinance and there must be compliance in accordance therewith."

- Mr. Ward makes a motion to amend this section to read: "7.7 Nonconforming Signs. Any sign which does not conform to the provisions herein as of the effective date hereof or subsequent amendment."

#### Sections 7.7.2, 7.7.3, 7.7.4, and 7.7.5

-Mr. Poulson considers these sections to be unrealistic and an economic hardship to the business community.

-The Planning Commission feels by consensus that this is not an economic hardship and will keep current proposed language.

#### 7.10 Variances

-take out 7.10.1 and 7.10.2 and only reference Section VIII of the Zoning Ordinance.

#### 7.11.3 (4) Sign Illumination

- Mr. Poulson has concerns that this section is unrealistic especially to hotels that stay open all night long.

- To help in clarification Mrs. Wolffe makes a motion to amend this section to say "All sign lighting shall be turned off when businesses are not serving customers, except businesses providing overnight accommodations and churches may keep lights on." Properly seconded, unanimously approved.

#### 7.12.1 (3) and 7.12.2 (3)

-Mr. Poulson has concerns that the proposal prohibits any originality and aesthetics.

-The Planning Commission has decided after examining Mr. Poulson's comments to not change any part of the proposed section.

#### 7.13.1 (12) Changeable letter sign

- Mr. Poulson is concerned about what are manually activated changeable signs.

- Mrs. Wolffe stated that there might be a discrepancy between "changeable copy sign" and "changeable letter sign" and that these terms reference the same thing. The "activated" can also be confusing since some people might think the sign is electronic. It was recommended to remove "activated" from the proposed amendments.

"7.2.14 Changeable Copy Sign" should be changed to "7.2.14 Changeable Letter Sign." Also change the definition for this section to read "a non electric sign that is designed so that characters and letters can be changed or rearranged without altering the place or surface of the sign."

#### 7.2.52 Roof Signs

-Mrs. Wolffe stated that the intent of the Commission was to allow signs on Mansard roofs, and they had talked about not allowing signs on the shingled part of the roof except if it is a Mansard roof.

-Mr. Ward stated that the roof line is considered the top edge of a roof. If there is a built-up façade such as a Mansard roof the roofline is where the functional part of the roof ends such as an asphalt flat top roof.

-Mrs. Wolffe motions to rewrite Section 7.2.52 Roof Sign to read “sign mounted on and supported by the main roof portion of a building. Signs mounted on Mansard façade shall not be considered to be roof signs; however signs on Mansard façades shall not extend above the highest point of the Mansard façade.”

#### Commission Members Announcements or Comments

Mr. Anderson recommends that the Planning Commission have one final workshop after the public hearing in regards to the sign ordinance.

Mrs. Wolffe stated that she will not be able to make the September meeting

Mr. Ward stated that the Planning Commission should look at an administrative policy recommendation to staff that materials submitted for Planning Commission review must be submitted by a certain number of days. Mr. Ward also has concerns that the current microphone set-up is not capturing everyone who speaks. Lastly Mr. Ward asked Mr. Anderson if he could look at a Tree Ordinance from Cape Charles, he has concerns with Chincoteague being an Island held together by vegetation the importance of having trees.

Mr. Behr showed the Planning Commission a copy of the Crisfield Maryland Plan and thought that there were some very good ideas.

There was a motion and a second to adjourn the meeting.

## **Town of Chincoteague Planning Commission Meeting**

September 5, 2007

### **Minutes**

#### Members Present:

Mr. Robert Behr  
Mr. Ray Rosenberger, Chairman  
Mr. Tom Derrickson  
Mrs. Jane Wolffe

Hon. Ellen W. Richardson  
Mrs. Mollie Cherrix

#### Members Not Present:

Mr. Chuck Ward

#### Staff Present:

Mr. Jared Anderson, Director of Planning

#### 24. Call to Order

Chairman Rosenberger called the meeting to order at 5:05 p.m.

#### 25. Roll Call by Mr. Jared Anderson

#### 26. Invocation followed by Pledge of Allegiance

#### 27. Public Participation

NONE

#### 28. Adoption Agenda

Mr. Behr moves to adopt the agenda, seconded by Councilwoman Richardson. Unanimously Approved.

#### 29. Possible motion to send the proposed amendments to the Sign Ordinance to Public Hearing.

Mrs. Wolffe moves to send the proposed sign ordinance to public hearing pursuant to 15.2-2204 of the State Code of Virginia.” Seconded by Mrs. Cherrix. Unanimously Approved.

The public hearing will be held on the September 25 Planning Commission meeting.

Mrs.Cherrix made a motion to adjourn, seconded by Mr. Behr. Unanimously approved.

## Article VII. Signs

### Section A. Purpose and Intent

- Sec. 7.1. Introduction.
- Sec. 7.2. Definitions
- Sec. 7.3. Signs as a matter of right.
- Sec. 7.4. Temporary signs.
- Sec. 7.5. Construction and maintenance.
- Sec. 7.6. Prohibited signs.
- Sec. 7.7. Nonconforming signs.
- Sec. 7.8. Protection of First Amendment rights.
- Sec. 7.9. Removal.
- Sec. 7.10. Variances.

### Section B. Standards and Criteria

- Sec. 7.11. Generally.
- Sec. 7.12. Residential districts.
- Sec. 7.13. Commercial districts.

## **SECTION A. PURPOSE AND INTENT**

### **Sec. 7.1. INTRODUCTION**

- 7.1.1. Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks and property.
- 7.1.2. The provisions of this ordinance are made to establish reasonable and impartial regulations for all signs wherever placed out-of-doors in view of the general public or wherever placed indoors as a window and to further the objectives of the comprehensive plan; to protect the general public health, safety, convenience, and welfare; to reduce traffic hazards caused by unregulated signs which may distract, confuse, and impair the visibility of motorists and pedestrians; to ensure the effectiveness of public traffic signs and signals; to protect the public investment in streets, highways, and other public improvements; to facilitate the creation of an attractive and harmonious community; to preserve our natural, architectural and cultural uniqueness assets; to protect property values; and to further economic development. (Ord. of 4-3-1995)

### **Sec. 7.2 DEFINITIONS**

For the purpose of this ordinance, certain words and terms are defined as follows (words used in the present tense include the future, words in the singular include the plural, and the plural includes the singular):

- 7.2.1 *Abandon Sign.* A sign which no longer identifies a bona fide business, lessor, service, owner, product, or activity, time of event passed, and/or for which no legal owner can be found. The definition shall also include any sign structure which no longer supports the sign for which it was designed.

7.2.2. *Address and name of resident.* A sign indicating address and/or name of residential occupants of the premises, and not including any commercial advertising or identification. (Additional address numbers are permitted on structures.)

7.2.3 *Animated Sign.* A sign which uses movement or change of lighting to depict action, words, graphics, commercial message or creates a special effect or scene.

~~7.2.4 *Art Work.* Works of art displayed on a structure, that do not include any commercial messages or references.~~

7.2.5 *Awning.* Any non-rigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

7.2.6 *Awning sign.* A sign placed directly on the surface of an awning.

7.2.7. *Banner.* A sign that is mounted on or attached to a non-rigid surface such as cloth, fabric, or paper.

7.2.8. *Beacon.* Any light with one or more beams directed into the atmosphere or directed at one or more points not in the same zone as the light source; also light with one or more beams that rotate or move.

7.2.9. *Billboard.* See "Off-premises sign."

7.2.10. *Bulletin board sign.* A particular type of changeable copy sign that displays copy in a casement made of glass or plexi-glass.

7.2.11. *Business Sign.* A sign which directs attention to a product, commodity or service available on the premises.

7.2.12. *Canopy.* An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

7.2.13. *Canopy sign.* A sign attached to a canopy.

7.2.14 *Changeable copy letter sign.* ~~A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.~~ **A non-electric sign that is designed so that characters and letters can be changed or rearranged without altering the place or surface of the sign.**

7.2.15. *Clearance (of a sign).* The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishment, extending over that grade.

7.2.16. *Commercial directional signs.* Signs giving on-site directional assistance for the convenience of the public.



7.2.17. *Commercial message.* Any sign, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

7.2.18. *Directional.* A directional sign is one indicating the direction to which attention is called, four square feet or less in area.

7.2.19. *Direct sales.* The sale of goods and/or services to the end user. Most retail sales are direct or end sales.

7.2.20. *Directional sign.* Provides on-site directional assistance for the convenience of the public such as location of exits, offices, entrances, and parking lots. The name of the firm or business may be included on the sign.

7.2.21. *Directory sign (commercial).* A sign which displays the names and/or addresses of the establishments or uses of a building or group of buildings.

7.2.22. *Directory sign (governmental).* A sign erected, owned and maintained by the Town of Chincoteague within the public right-of-way to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services and points of scenic, historical, cultural, recreational, educational or religious interest. Such signs shall conform to all applicable state regulations regarding the placement of signs in public right-of-ways.

7.2.23. *Festoons.* A string of ribbons, tinsel, flags, or pinwheels.

7.2.24. *First Amendment right signs.* Any sign lawfully advocating any political, social, religious, or other cause or position of the person or persons exhibiting such, the content of which would be protected by such person or person's right to freedom of speech as defined under the First Amendment to the United States Constitution and/or article I, section 12 of the Constitution of Virginia subject to the restrictions hereinafter provided. Such permitted signs shall not contain any message of a commercial nature and shall not direct attention to a business operated for profit or any entity operated on a non-profit basis, or to the sale or gift of any commodity or service, nor shall such exhibitor charge a fee therefore. Such signs shall be permitted both in residential and commercial districts. No such sign, or combination of signs, in a residential district shall exceed thirty two (32) square feet in area, exceed five (5) feet in height, and shall comply with all applicable setbacks in such residential district. Any such sign or signs within a commercial district shall comply with all the criteria of 7.12.1 as to size and location. Any such sign may be constructed of cardboard. Any such sign shall comply with all other applicable provisions of Article VII, except as expressly excepted. (Amended 4/3/95)

7.2.25. *Flag. (commercial)* Any fabric, banner, or bunting, containing distinctive colors, patterns, or symbols or wording.

7.2.26. *Flag. (governmental)* Any fabric, banner, or bunting, containing distinctive colors, patterns, or symbols, used as a symbol of a government political subdivision or other entity.

7.2.27. *Flashing sign.* Any signs that include light which flash, blink or turn on and off intermittently, including searchlights (not including time and temperature signs)

- 7.2.28. *Freestanding sign*. The general term for any on-site sign which is supported from the ground and not attached to a building.
- 7.2.29. *General advertising Sign*. A sign which directs attention to a product, commodity or service not necessarily available on the premises.
- 7.2.30. *Glaring signs*. Signs with light sources or with such reflective or brightness qualities that they constitute a hazard or nuisance.
- 7.2.31. *Handicapped parking space sign*. Signs reserving parking spaces for handicapped motorists.
- 7.2.32. *Height (of a sign)*. The vertical distance measured from the highest point of the sign, including any decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever ground elevation is less. (This is not the same as clearance)
- 7.2.33. *Home occupation sign*. A sign directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.
- 7.2.34. *Illegal sign*. A sign that was constructed, erected or placed in violation of regulations that existed at the time it was built.
- 7.2.35. *Illuminated sign*. A sign illuminated in any manner by an artificial light source, whether internally or externally lit.
- 7.2.36. *Inflatable Signs*. Any sign or advertising structure which uses air or gas to expand.
- 7.2.37. *Incidental Sign*. A sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, whose purpose is secondary to the use of the zoned lot. No sign with a commercial message legible from a position off the zoned lot on which the sign is located shall be considered incidental.
- 7.2.38. *Location Sign*; A sign which directs attention to the approximate location of an establishment from which the advertised product may be obtained.
- 7.2.39. *Maintenance*. The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.
- 7.2.40. *Marquee*. A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from natural elements.
- 7.2.41. *Marquee sign*. A sign attached to and made a part of a marquee or any other similar projection from a building.
- 7.2.42. *Monument sign*. A freestanding sign with a base affixed to the ground which measures at least two-thirds the horizontal length of the sign.

- 7.2.43. *Nonconforming sign.* A sign that met all legal requirements when constructed but that is not in compliance with this ordinance. An illegal sign is not a nonconforming sign.
- 7.2.44. *Off-premises sign.* Any sign which is not located on the premises that it identifies or advertises.
- 7.2.45. *Pennants.* A lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.
- 7.2.46. *Permanent sign.* A sign which is permanently affixed into the ground or a building and meets the requirement of a structure under the Virginia Uniform Statewide Building Code.
- 7.2.47. *Pinwheels.* See Rotating signs.
- 7.2.48. *Pole sign.* A freestanding sign with a base at least seven feet above the ground which is supported from the ground by a pole or a similar support structure of narrow width.
- 7.2.49. *Portable sign.* Any signs that is not permanently affixed to a building, structure, or the ground. This shall not apply to signs permitted under 7.3.5 or 7.5
- 7.2.50. *Roofline.* The top edge of a roof or building parapet, whichever is higher, excluding any cupola, pylons, chimneys, or minor projections.
- 7.2.51. *Roof sign.* ~~Any signs which extend in height above the roof line of the building on which the sign is erected.~~ **Sign mounted on and supported by the main roof portion of a building. Signs mounted on Mansard façade shall not be considered to be roof signs; however signs on Mansard façades shall not extend above the highest point of the Mansard façade.**
- 7.2.52. *Rotating sign.* A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.
- 7.2.53. *Scrolling sign.* "See animated sign".
- 7.2.54. *Security and warning signs.* On-premises signs regulating the use of the premises, such as "no trespassing," "no hunting" and "no soliciting" .
- 7.2.55. *Sexually Graphic Sign.* Any sign containing any photograph, silhouette, drawing, or pictorial representation or description of any specified anatomical area or specified sexual activities as those terms defined in the Code of the Town of Chincoteague.
- 7.2.56. *Sign.* Any device which is visible from a public byway, and all supporting poles, brackets, braces, wires, foundations, etc., that displays letters, characters or graphics to identify a land use or is meant to attract the public's attention. Any display of any letters, words, numerals, figures, devices, emblems, pictures or any parts of combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land

on which the same is made. A display of less than one square foot in area is excluded from this definition.

7.2.57. *Sign structure.* Includes the supports, uprights, bracing and framework of any structure, be it single- or double-faced or V-type or otherwise, exhibiting, illuminating, holding and/or supporting a sign.

7.2.58. *Sign, temporary.* See "Temporary sign."

7.2.59. *Simulated traffic signs and obstructions.* Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street intersection, or extend into the public right-of-way.

7.2.60. *Snipe sign.* A sign that is attached to a utility pole, tree, fence or any object located or situated on public or private property.

7.2.61. *Street frontage.* The side of a lot nearest the street.. The frontage of a corner lot is the shorter of the two sides facing a street. Frontage may also be described as a distance, e.g. "The lot has 243 feet of frontage".

7.2.62. *Temporary sign.* Temporary signs shall be permitted for the purpose of advertising any event held by any nonprofit or charitable organization.

7.2.63. *Temporary real estate signs.* Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold.

7.2.64. *Vending machine identification signs.* Signs or decals identifying a product which is used for public convenience.

7.2.65. *Vehicular signs.* Any sign displayed on a parked vehicle, where the primary purpose of the vehicle is to advertise a product or business or to direct people to a business or activity. For the purposes of this ordinance, vehicular signs shall not include business logos, identification, or advertising on vehicles primarily used for other business purposes. (Ord. of 4-3-1995)

7.2.66. *Wall sign.* A sign painted on or attached to a wall of a building and parallel to the wall.

7.2.67. *Window sign.* Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is inside a window or upon the window panes or glass and is visible from the exterior of the window.

### **Sec. 7.3. Signs as a matter of right.**

The following signs shall be permitted as a matter of right, and no sign permit shall be required:

7.3.1. *Address and name of resident.* Such sign shall not exceed four square feet in area.

7.3.2. *Artwork.* Upon approval by the Chincoteague Planning Commission

7.3.3. *Commercial directional signs.* Such sign/signs shall not exceed two square feet (each) in area or be located closer than five feet to any property line.

7.3.4. *Directional Signs;* Private directional signs on site: Shall not exceed four square feet in area and shall not be placed in the public right of way. See definition of directional signs.

7.3.5. *First Amendment right signs.* Such permitted signs shall not contain any message of a commercial nature and shall not direct attention to a business operated for profit or any entity operated on a nonprofit basis, or to the sale or gift of any commodity or service, nor shall such exhibitor charge a fee thereof. Such signs shall be permitted both in residential and commercial districts. No such sign, or combination of signs, in a residential district shall exceed 32 square feet in area or exceed five feet in height, and shall comply with all applicable setbacks in such residential district. Any such sign or signs within a commercial district shall comply with all the criteria of 7.12.1 as to size and location. Any such sign may be constructed of cardboard. Any such sign shall comply with all other applicable provisions of article VII, except as expressly excepted.

7.3.6. *Flags, pendants, whirly colorful flags, emblems, and insignia of any governmental agency or religious, charitable, public or nonprofit organization.*

7.3.7. *Handicapped parking space sign.* Such signs shall meet the minimum standards set forth by ADA.

7.3.8. *Home occupation signs.* Such signs shall not exceed four square feet in area and shall contain only the name of the business and/or business owner.

7.3.9. *Private drive signs.* On-premises private drive signs limited to one per drive entrance, not exceeding two square feet in area.

7.3.10. *Public signs.* Signs erected by government agencies or utilities including traffic, utility, safety, directional and identification signs for public facilities.

7.3.11. *Security and warning signs.* Such signs shall not exceed two square feet in area. On unimproved lots, signs shall not be closer than 50 feet to each other and shall not be placed within ten feet of any property line. On improved lots, signs shall be placed five feet or less from the structure protected. Signs shall not exceed four feet in height.

7.3.12. *Vending machine identification signs.* All identification shall be placed within the square footage of the vending machine unit.

#### **Sec. 7.4. Temporary signs.**

7.4.1. *Permitted by right.* The following temporary signs shall be permitted as a matter of right and no sign permit is required unless specifically identified, subject to the conditions specified, and the other provisions of article VII, as applicable.

7.4.2 *Temporary real estate sign.* A real estate sign is permitted provided such sign

shall not exceed four square feet in area, and 6 feet in height and shall be located no closer than 25 feet from the edge of the established roadway. If the main structure is located less than 25 feet from the edge of the established roadway the sign may be placed the at midpoint between the main structure and the edge of the established roadway. Display of such sign is limited to one per property. When a development contains four or more parcels/units, the developer may choose to install one sign, in lieu of individual signs, not to exceed 32 square feet in area, and shall place the sign parallel with the right-of-way. Such sign shall be removed within 30 days of the settlement or lease of the property. One directional sign may be erected if the said property is not easily visible from the adjoining state road.

- 7.4.3 *Vacation rental signs.* A vacation rental sign for rentals less than 12 months to one tenant are permitted; such sign shall not exceed four square feet in area and shall be located within two feet of the structure. Display of such sign is limited to one per property. Sign shall not exceed six feet in height.
- 7.4.4 *Banners.* On-premises banners shall not be more than 30 square feet in area. Total banners shall not exceed one per residence and one per business. Such placement shall not exceed 2 times per calendar year not to exceed 4 consecutive weeks for each placement. Non-profit organizations are exempt from the above time limit provided the banner is removed within 7 days after the event has ended. Placement of such banners must comply with article VII of this ordinance. Banners shall not be placed closer than ten feet from any property line. A permit is required.
- 7.4.5 *Political Signs* As to any political sign or signs advocating the election or non-election of a particular candidate for public office, or the approval or rejection of any issue on the ballot in any scheduled election, such sign or signs shall be erected no sooner than 60 days prior to the scheduled election and removed not later than five days thereafter. Maximum of one (1) sign per candidate or issue per parcel. Owner of said parcel must give consent on the placement of such signs. Such signs shall not exceed 32 square feet in area and be located no closer than ten feet from any property line.
- 7.4.6 *Nonprofit or charitable organizations event signs.* Any sign or signs for the purpose of advertising any event held by a nonprofit or charitable organization. Such signs or combination thereof shall not exceed 32 square feet in size and shall be permitted to be displayed only on private property for a period not to exceed seven consecutive days. Such signs, if located, at any intersection shall be set back a minimum of ten feet from the edge of the street for safety purposes. No sign shall be erected that will obstruct the sight distance triangle at any street intersection. A permit is required.
- 7.4.7 *Construction, contractor and job site signs.* One contractor sign, not exceeding 32 square feet in area, and subcontractors' signs not exceeding eight square feet in area each, when erected or displayed on the premises upon which building operations are being conducted; provided, that such signs shall be removed upon completion of the work. No sign shall be erected that will obstruct the sight distance triangle at any street intersection.
- 7.4.8 *Special event signs.* Signs announcing special events including but not limited to open houses, auctions, grand openings, new management and going out of business.

Each lot shall be limited to one of each of the following types of signs unless otherwise noted and does not count in the total allowed per lot or business.

A sign advertising auctions and grand openings may be erected seven days prior to the event and shall contain the date(s) if the event. Such sign shall not exceed 16 square feet in area. No permit is required.

A sign advertising going out of business, or new management shall be limited to once in a 12-month period for up to seven days. Such sign shall not exceed 16 square feet in area. No permit is required.

A sign for open houses may be erected up to six days prior to the open house if the sign contains the day of the week or the date of the open house or may be erected the day of the open house if it does not contain the day of the week or the date of such open house. Such sign shall not exceed 4 square feet in area. No permit is required.

All special event signs must be removed immediately following the event, shall be setback a minimum of twenty-five feet from the edge of the public right-of-way. No sign shall be erected that will obstruct the sight distance triangle of any street intersection.

- 7.4.9 *Pony Penning Sales Signs.* No more than four square feet (two feet by two feet) Shall be permitted to be displayed no more than three days prior to the sale, to be located only on private property, and shall not be placed on the public right-of way, without requiring any permits. Signs displayed under this section must be removed within 48 hours of the close of the sale activities.

#### **Sec. 7.5. Construction and maintenance.**

- 7.5.1. *Building code compliance.* All signs shall be constructed in compliance with the current Virginia Uniform Statewide Building Code.
- 7.5.2. *General restrictions.* Signs shall not be erected in or over a street or highway right-of-way, or on public land except as permitted in section 7.10 .
- 7.5.3. *Condition of sign.* All signs and components shall be maintained in good repair and in a safe, clean and attractive condition. Any sign found to be in disrepair, upon written notice, must be immediately removed by such owner. Failure to remove such sign shall result in legal action and, if applicable, the sign permit may be revoked.

#### **Sec. 7.6. Prohibited signs.**

The following are expressly prohibited unless specifically stated otherwise in this ordinance;

- 7.6.1 *Animated signs.*
- 7.6.2. *Flashing signs.*
- 7.6.3. *Glaring signs.*

- 7.6.4. *Portable signs.*
- 7.6.5. *Roof signs.*
- 7.6.6 *Simulated traffic signs and obstructions.*
- 7.6.7 *Vehicular signs.*
- 7.6.8 *Menu & sandwich boards, easels and other sidewalk signs*
- 7.6.9 *Air or gas filled balloons & inflatable objects used for the purpose to draw attention to a particular business.*
- 7.6.10 *Beacons*
- 7.6.11 *Rotating signs*
- 7.6.12 *Pinwheels, pennants, whirly colorful flags for commercial use*
- 7.6.13 *Sexually graphic sign*
- 7.6.14 *Sculptures or statues for business use, with or without a commercial message exceeding 4 feet in height, 3 feet in width and/or 3 feet in length.*
- 7.6.15 *Name brand advertising signs such as those naming the brand of cigarettes and beverages for sale in the business. This shall not include vending machines.*
- 7.6.16 *Changeable letter signs either freestanding or stand alone. (This shall not include changeable letter signs incorporated in an approved freestanding sign as identified in section 7.13.1.(12).*

#### **Sec. 7.7. Nonconforming signs.**

Any sign which does not conform to the provisions herein as of **the effective date hereof or subsequent amendment.** ~~January 4, 1994 or any date on which the ordinance is amended, and any sign which is accessory to a nonconforming use, shall be deemed a nonconforming sign.~~

- 7.7.1 A nonconforming sign lawfully existing at the time of adoption or subsequent amendment may continue although such a sign does not conform to the provisions of this ordinance, however, it cannot be enlarged, redesigned or altered in any way excluding general maintenance, except to conform to the requirements of this chapter.
- 7.7.2 A change in business ownership, change in the certificate of occupancy, or change in the business license requires that a non-conforming sign be removed or brought into compliance within sixty (60) days of a change either in ownership, occupancy or business license. Whenever the



ownership, occupancy, or business license changes the new owner, occupant, or licensee shall be required to remove, change or alter such signs to conform to this chapter.

- 7.7.3 Any business advertising products or services which are no longer available shall remove such signs within 60 days.
- 7.7.4 If the business continues to operate as the same business but changes leaseholder, then only one nonconforming sign which identifies the business name may remain but all other nonconforming signs must be removed. Any new signs must conform to this chapter.
- 7.7.5 If a business remains with the owner but ceases to operate for two years then all conforming and nonconforming signs shall be removed.

#### **Sec. 7.8. Protection of First Amendment rights.**

Any sign, display, or device allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this ordinance.

#### **Sec. 7.9. Removal.**

- 7.9.1. *Illegal signs.* The zoning administrator may order the removal of any sign not in conformance with the provisions of this ordinance at the expense of the sign owner or lessor, after giving the owner or lessor written notice of such violation and giving notice to correct such violation within ten days from date of receipt of said notice by registered or certified mail at the last known address.
- 7.9.2. *Immediate peril.* If the zoning administrator shall find any sign which is an immediate peril to persons or property, the sign shall be removed. If the zoning administrator cannot locate the sign owner or lessor for immediate removal of the sign, he shall be empowered to order the removal of the sign at the expense of the sign owner or lessor.

#### **Sec. 7.10. Variances.**

~~7.10.1. *Standard of review.* The board of zoning appeals may grant a variance authorized by this section only when and if it finds that the following special physical conditions exist:~~

- ~~\_\_\_\_\_ (1) The zoning lot on which the activity is located is unusually shaped or exhibits unusual topography; and~~
- ~~\_\_\_\_\_ (2) Such physical characteristics prevent legal signage from identifying the activity as compared to legal signage identifying other activities in the immediate area.~~

~~7.10.2. *Procedures.* All requests for variances must be filed with the board of zoning appeals within 30 days of the date of denial of the permit application by the zoning administrator.~~

See Article VIII of the Zoning Ordinance

## **SECTION B. STANDARDS AND CRITERIA**

### **Sec. 7.11. Generally.**

The regulations in this section specify the number, types, sizes, heights and locations of signs which are permitted within the jurisdictional boundaries of the Town of Chincoteague and which require a permit. Any sign regulations incorporated into a development plan approved by council may supersede all or part of this section.

Unless otherwise provided in this chapter, all signs shall be set back a minimum of ten feet from the right-of-way, unless attached to a building without any ground supports, in which case it shall conform with the required size restrictions and not protrude into any right-of-way unless a land use permit is obtained from the Town of Chincoteague..

All permitted signs in this chapter shall only advertise those uses being conducted on the premises on which they are displayed.

- 7.11.1. *Determination of sign area.* In measuring the area of signs permitted under these regulations, the entire face of the sign (one side only) and any wall work incidental to its decoration shall be included. Where both sides of a sign contain lettering or other allowable display, one side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.
- 7.11.2. *Determination of sign height.* The height of a sign erected within 30 feet of a street shall not exceed 12' in height. The height of all signs farther than 30 feet from a street shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater. No sign shall be erected that will obstruct the sight distance triangle at any street intersection.
- 7.11.3 *Sign Illumination*
- (1) Externally lit signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.
  - (2) Light bulbs or lighting tubes used for illuminating a sign shall not be visible from adjacent public right-of-ways or residential properties.
  - (3) External illumination for signs and outdoor advertising structures in which electrical wiring and connections are to be used shall require a permit and shall comply with the Virginia Uniform Statewide Building Code and approved by the building inspector.
  - (4) All sign lighting shall be turned off when businesses are not serving customers, **except businesses providing overnight accommodations and churches may keep lights on.**

- (5) The fixtures used to illuminate signs shall not be directed toward nearby residential properties.
- (6) Fluorescent lights shall be allowed for indirect illumination when placed in such a manner that the light tubes are not exposed to view from the public right-of-way or sidewalk,
- (7) Illumination of off premise signs is prohibited.
- (8) Ground mounted sign lighting is not permitted for free-standing signs on poles, where open space is visible from the bottom to the sign to the ground. The Zoning Administrator may approve ground mounted light for freestanding signs which are constructed in such a way that no open space is visible from the bottom of the sign to the ground. (i.e. solid base or landscaping)

All ground mounted lights shall be placed in such a manner that the angle of the lamp shall not be greater than 45 degrees measured from a horizontal plane to a line projected through the center of the lamp, and fixtures shall be fully shielded to contain and direct the light on the sign only. All upward-directed sign light is prohibited. Existing non-conforming bottom or side mounted outdoor sign lighting shall not be used after one (1) year from the date of approval.

- 7.11.4. *Installation of wall signs.* All wall signs shall be installed flat against the wall of a building and shall not extend from the wall more than 18 inches.
- 7.11.5. *Other uses.* In cases where the regulations within this section do not specifically address a sign requested in conjunction with a permissible use, the zoning administrator shall make a written interpretation of the ordinance, which shall be kept in the permanent record for that application. (Ord. of 4-4-1994)

#### **Sec. 7.12. Residential districts.**

Within residential districts, permits are required for all allowed signs. All signs must conform to the following criteria:

- 7.12.1. *Single-family subdivision identification signs.* Signs that identify the name of a single-family residential subdivision, located at any street entrance to the subdivision, shall be erected as follows:
  - (1) *Number:* one per main entrance, not to exceed two per subdivision.
  - (2) *Type:* monument.
  - (3) *Maximum size and height:* 32 square feet in area and five feet in height.
  - (4) *Minimum setback:* ten feet from any property line and outside of all visibility triangles.
- 7.12.2. *Multifamily complex signs.* Signs that identify the name and/or address of an apartment, townhouse, condominium or other multifamily residential complex, located at any street or private drive entrance to the complex, shall be erected as follows:

- (1) *Number:* one per main entrance, not to exceed two per complex.
- (2) *Type:* monument.
- (3) *Maximum sizes and heights:* 32 square feet in area and five feet in height.
- (4) *Minimum setback:* ten feet from any property line and outside of all sight visibility triangles.

7.12.3. *Accessory management or rental office signs.* Signs that identify an accessory management or rental office shall be erected as follows:

- (1) *Number:* one.
- (2) *Type:* wall.
- (3) *Maximum size and height:* six square feet in area and located below the roof line.

### **Sec. 7.13. Commercial districts.**

Within commercial districts all allowed signs require a permit. All signs must conform to the following criteria:

- 7.13.1. Signs permitted within a commercial district shall be erected or displayed only on such wall, window, or mansard roof of a building which faces the front property line or as a freestanding signs upon a lot. The number of signs shall be limited to two (2) per business not including incidental, directory or directional signs (see 7.13.1 (3) unless otherwise noted. Total square footage area of all permitted signs upon any one lot shall not exceed 100 square feet in area unless noted otherwise. Two additional signs shall be permitted, maximum of twenty five (25) square feet each if the building fronts upon more than one public right-of-way or waterfront and such sign (s) shall be placed facing such public right-of-way or waterfront. Sign bases without commercial messages are not included in the sign area. Sign bases are included in the overall height.
- 7.13.1.1 *Buildings occupied by a single business.* The total combined area of all signs facing the front lot line shall not exceed one square foot for each foot of building width or one hundred square feet, whichever is less, however no one sign can exceed 64 square feet in area, not including the sign base, and shall not exceed 12 feet in height.
- 7.13.1.2 *Buildings occupied by more than one business:* The total combined area of all Signs facing the front lot line shall not exceed one square foot for each foot of building width facing such lot line, or one hundred square feet whichever is less, however, no sign can exceed 64 square feet in area and shall not exceed 12 feet in height. In addition to the maximum allowed combined total area permitted above in (3) each business in a multi-business building shall be permitted one additional wall sign or projecting sign, not to exceed 20 square feet for business identification.
- 7.13.1.4 *Multiple incidental and directory signs* on the interior of a lot shall be allowed

and do not require a permit. Each sign shall not exceed four (4) feet in height and twelve square feet in area and shall not be visible from a public right-of-way or street. The square footage of these signs is not counted as part of the total area permitted. Such signs must relate to the business being conducted on the lot and such signs shall not be advertising for business located off premise.

- 7.13.1.5 *Signs hung on marquees.* No sign shall be hung on a marquee, canopy or portico if such sign shall extend beyond the established street line. The area of any such sign shall be included in determining the total area of signs erected or displayed.
- 7.13.1.6 *Signs, advertising occupants, etc.* Signs advertising only the name of the occupant of a store, office or building, the business or occupation conducted or the products sold therein may be placed on show windows; provided, that not more than 30 percent of the area of such windows shall be covered.
- 7.13.1.7 *Mansard roof signs:* Shall not exceed 32 square feet in sign area and shall only contain the name of a business. The total area shall be included in the total area of signage permitted in this section and shall not be in addition thereto.
- 7.13.1.8 *Freestanding signs.* Shall be limited to one per lot, maximum area of 64 square feet in area and not exceeding 12 feet in height. Each building must incorporate its legally assigned street number into its freestanding sign. Freestanding signs shall not be placed within ten feet of any street right-of-way.
- 7.13.1.9 *Window sign:* A window sign shall be considered as a wall sign, shall not exceed more than 25% of the window area in which they are displayed and shall not be placed higher than ten (10) feet above the entrance of the door sill plate. Such signs shall be limited to a maximum combined area of 64 square feet total and shall not exceed ten (10) feet in height.
- 7.13.1.10 *Flags, Commercial:* Two flags per lot maximum each limited to an area of 15 square feet. Flags must be mounted securely to a wall or from a permanent flag pole.
- 7.13.1.11 *Projecting signs:* Projecting signs shall be permitted in lieu of freestanding signage on any street frontage limited to one (1) sign per occupancy along any public road or parking lot frontage with public entrance to such occupancy and shall be limited in height of twelve feet and limited in area to six (6) square feet. Such sign shall maintain a vertical clearance from the sidewalk, adjacent to said occupancy, a minimum of nine (9) feet and shall not extend beyond the outside edge of the public sidewalk. Maximum square footage is six (6) square feet.
- 7.13.1.12 *Changeable letter signs:* Manually ~~activated~~ changeable signs shall be permitted when included within the sign area and built as an integral part of the main business identification sign. Area of the changeable letters portion of the main business identification sign shall not exceed fifteen square feet or one third of the total area of the main sign which ever is less. It shall be used as an accessory to the main sign and not as the main sign. The total area of the changeable letter area shall be included in the total square footage of the sign area permitted for a business or shopping center and shall meet all height restrictions for signs. Non profit

and charitable organizations shall be permitted stand alone changeable letter signs which conform to Section 7.4.(2) Temporary Signs – Non profit and charitable organizations.

- 7.13.2. *Gasoline stations.* Automobile service, convenience stores and gasoline stations shall comply with all applicable sign regulations within this section, including the regulations for shopping centers if applicable. The following additional regulations shall apply to all automobile and service and gasoline stations:
  - 7.13.2.1 *Changeable fuel price signs.* Freestanding signs identifying the name of the business may include changeable copy indicating the current price of fuel dispensed on the premises. The area of the fuel price sign shall be included in the sign area for the business.
  - 7.13.2.2 *Gas pump signs.* Each gas pump shall be permitted a total of 11/2 square feet of sign area to identify the product dispensed. (Gas pump signs shall not apply to total square footage of sign area permitted.)
- 7.13.3. *Office and/or industrial centers.* Office and/or industrial centers at least one acre in size and planned as an integrated development shall be authorized to erect signs based on the following criteria:
  - 7.13.3.1 *Center identification signs.* One monument sign per public street frontage, identifying the name of the center only and not exceeding 32 square feet in area and six feet in height.
  - 7.13.3.2 *Individual establishment signs.* Each individual establishment within an office and/or industrial building may erect one wall sign of a size which does not exceed a maximum of 16 square feet in area. The top of the wall sign shall be located below the roof line and at a height no greater than 15 feet above the ground.
- 7.13.4. *Directory signs.* Commercial and industrial properties may erect a directory sign identifying the names and/or addresses of the establishments within individual buildings. A directory sign shall not exceed 16 square feet in area and six feet in height and precludes the use of any other freestanding sign for the zoning lot on the same street frontage.
- 7.13.5. *Theaters.* Theaters are authorized to erect one of the permitted wall or marquee signs with a changeable copy board displaying the name and time of the current motion picture or theatrical production. (Ord. of 4-4-1994)

# MEMORANDUM

To: Planning Commission  
From: Jared B. Anderson, Town Planner  
Date: September 20, 2007  
Subject: Subdivision Ordinance- Roads

This Memorandum is the same one given to Council on August 6, 2007 with the addition of number 13 on the fourth page. These proposed amendments will be what goes to public hearing for Council. There will be no action on this agenda item. It was the thought of the Chairman to revisit this issue. There are other items such as aisles, fire safety, etc. that were recommended by the Planning Commission that will be addressed by Council in the near future. Please review and if you have any questions please feel free to contact me (email: [jared@chincoteague-vi.gov](mailto:jared@chincoteague-vi.gov), or 336-6519).

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*An amendment to Section 14.09(a) and Section 15.05(a) would be as follows:*

(a) ~~Public roads as may be required.~~ **Public roads developed in accordance with the Virginia Department of Transportation 2005 Subdivision Street Requirements, as may be amended from time to time, and eligible for addition to the secondary system of state highways maintained by the Virginia Department of Transportation and/or the Town of Chincoteague, if the developer intends for said roads to be public and not maintained by the developer and/or the owners of lots, parcels, or units within the subdivision; or alternatively, in the event that the developer does not intend such roads to be added to the secondary systems, and with the express written agreement of the subdivision agent, private roads satisfying the following requirements or criteria**

- 1. Street Width and Right of Way.**  
If there is to be No Parking on Street then there shall be a minimum of 18 feet of pavement width, and a 30 foot Right-of-Way.

If there is to be parking on one side of street then there shall be a minimum of 24 feet of pavement width, and 36 foot Right-of-Way.

If there is to be parking on both sides of the street then there shall be a minimum of 28 feet of pavement width, and a 40 foot Right-of-Way.

Larger widths may be required by the subdivision agent as deemed necessary due to use volumes, traffic densities, the inclusion, or engineering judgment.
- 2. Road Structure.** Paved surfaces shall be constructed in accordance with the current edition of the Virginia Department of Transportation (VDOT) "Pavement Design Guide for Subdivision and Secondary Roads." Other surface materials may be approved for use by the subdivision agent if they are deemed appropriate for the soil characteristics and the intended use of the road.
- 3. Location.** Placement of streets will be considered in relation to existing and planned streets as well as pedestrian or other uses. Land use permits shall be required for connections to public roads.
- 4. Cul-de-sacs.** An adequate turnaround shall be provided at the end of each cul-de-sac, with additional right of way required as needed.
- 5. Sidewalks, Curbs, Gutters and Driveway Aprons.** Concrete structures shall be installed within the right of way and conform to the specifications of the Town of Chincoteague Drawing number 35, "Misc. Concrete Work". If curb ramps are utilized they shall conform to the requirements of the Americans with Disabilities Act.
- 6. Drainage.** The developer shall provide the subdivision agent with an engineer's drawing for approval depicting elevations, impervious surfaces and proposed drainage facilities. The developer shall construct all drainage facilities in accordance with the requirements of the current edition of the VDOT Drainage Manual. If those requirements are not possible to fulfill, they may be waived by the subdivision agent. When required drainage construction necessitates an easement through property outside the right of way, such easement shall be obtained by the developer and shall not be less than ten feet in width. If the development



site includes a drainageway that is considered vital for the stormwater management of areas outside the subdivision, the subdivision agent may require the developer to deed a maintenance easement to the Town.

7. **Traffic Control.** Signage and other traffic control devices shall be required in accordance with the current edition of the U.S. Department of Transportation's Federal Highway Administration "Manual on Uniform Traffic Control Devices". 911 signs shall be installed at intersections and street names subject to Town approval. The acquisition and installation costs for traffic control devices will be borne by the developer. If a traffic signal is required, it shall be installed at the developer's expense and in accordance with the requirements of the VDOT resident engineer.
8. **Utilities.** Easements and utility installations shall be designed in accordance with the current requirements of the Code of the Town of Chincoteague, Virginia as well as any other applicable governmental body, agency or utility provider. It shall be the developer's responsibility to obtain all necessary permits or approvals.

The developer is required to pay an inspection fee during construction in amount set by council each fiscal year.
9. **Street Lights.** Installation of street lights may be required by the subdivision agent at intersections to public roads. Installation shall be the responsibility of the developer and completed in a manner that meets the current requirements of the Town of Chincoteague, VDOT, and the electric utility.
10. **Performance and Surety Bonds.** Performance and surety bonds shall be required in a form mandated by the subdivision agent.
11. **Maintenance.** A legally enforceable covenant or agreement, not subject to modification or revocation, whereby the owners of such lots, parcels or units or an association comprised of such owners shall be financially obligated to maintain such private road in a manner that preserves the conditions created by the above requirements and criteria as deemed necessary by sound engineering judgment.
12. **Other conditions.** In making the determination whether to require public roads or permit private roads in any subdivision and the enforcement of the requirements or criteria set forth above, the subdivision agent shall give consideration to the number of lots involved in said subdivision, the relationship of said road to existing or planned roads, traffic density and volume, the convenience and safety of the public as well as the lot owners in the proposed subdivision, and to other considerations that may have a

specific application to the proposed development site. In making the determinations required hereunder the subdivision agent shall consult with the roads engineer and other sources as deemed necessary. The subdivision agent reserves the right to require the developer to obtain professional engineering or consulting services as deemed necessary.

13. The subdivision agent with the concurrence of the road engineer may make reasonable modifications or deviations from the above requirements or criteria as site conditions may deem necessary based on sound engineering judgment.

Additionally Sections 16.03 and 16.04 should be repealed:

~~16.03. *Public roads.* The following standards shall apply to the layout of public roads:~~

- ~~(a) The arrangement, character, extent, grade, width, and location of all roads shall be acceptable to the roads engineer and shall be considered in their relation to existing and planned roads, to topography, to public convenience and safety and to the proposed uses of the land to be served by such roads.~~
- ~~(b) The road layout shall provide for the continuation or projection of roads already existing in the area, unless such extension is undesirable for reasons of topography, design, or safety.~~
- ~~(c) The name of any proposed road shall not be the same or similar to the name of any existing road, and shall be approved by the governing body, except that extensions of existing roads shall bear the same name as the existing road.~~
- ~~(d) Local roads shall be laid out so as to discourage their use by through traffic.~~
- ~~(e) If a portion of a parcel is not to be subdivided at the present time, suitable access for the future subdivision of such portion shall be provided, unless such unsubdivided portion is clearly unsuitable for development.~~
- ~~(f) Where stub roads are provided abutting unsubdivided land, temporary easements for turnarounds may shall be required by the roads engineer, zoning administrator or planning commission.~~
- ~~(g) Where natural features or the design concepts employed make their use appropriate, *cul-de-sacs may be used. Cul-de-sacs shall not be more than 800 feet in length, except by permission of the town, and each cul-de-sac shall be terminated with a turnaround of not less than a 30-foot radius in diameter. that meets Virginia Department of Transportation specifications.*~~

- ~~(h) Layout of roads shall minimize the number of access points to collector roads and arterial highways.~~
- ~~(i) Layout of roads shall minimize pedestrian and vehicle conflict points. The town may require the installation of sidewalks when such improvements are important to traffic safety.~~
- ~~(j) Alleys should be avoided whenever possible.~~
- ~~(k) Multiple intersections involving the junction of more than two roads shall not be used, except by permission of the town. Roads shall be laid out to intersect as nearly as possible at right angles.~~
- ~~(l) The minimum width of proposed roads, measured from lot line to opposite lot line, shall be as shown on the town's major road plan, or if not shown on such plan, shall be in accordance with Virginia Department of Transportation specifications.~~
  - ~~1. Collector roads, not less than 50 feet.~~
  - ~~2. Local roads, not less than 50 feet.~~
  - ~~3. Service roads and other roads, not less than 50 feet.~~
  - ~~4. Alleys, if permitted, not less than 20 feet.~~

~~When any subdivision abuts an existing public road with inadequate right of way, the town may require the developer to dedicate the necessary right of way to meet the minimum right of way requirement as indicated above to the Virginia Department of Transportation.~~

- ~~(m) All proposed roads shall be constructed by the developer in accordance with Virginia Department of Transportation secondary urban roads specifications and requirements.~~
- ~~(n) The developer shall install at all intersections street signs of a design approved by the roads engineer at the expense of the developer.~~
- ~~(o) The town shall request a review of the application of the Subdivision Ordinance to a subdivision by the resident engineer to verify compliance with Virginia Department of Transportation specifications.~~

~~16.04. Private roads. The following standards shall apply to private roads:~~

- ~~(a) Private roads may not be platted within a subdivision, except when the subdivision is designated a small scale or low density development with the total number of lots to be served not exceeding ten. The developer shall specify on all plats that the roads are private and not subject to be maintained by the Commonwealth of Virginia or the Town of Chincoteague. The developer by written statement shall further agree to release, discharge and absolve all governmental agencies from all immediate and future responsibility with regard to the improvements or maintenance of the private roads and rights of way so established, and shall record such statement with the deeds of transfer for each lot fronting on a private road. (See addendum 5 for example.)~~
- ~~(b) Private roads shall have a right of way of not less than 30 feet for their entire length and shall connect to a public road, unless the town shall waive such requirement. In making such exceptions, the town may attach such additional requirements and limitations on the subdivision as it may judge appropriate.~~
- ~~(c) No private road access shall be established nor the number of lots served by an existing private road right of way increased unless the roads engineer approves the access of that private right of way to the public road system.~~

~~(d) No private road right-of-way shall be platted until the developer has specified in writing who is responsible for its improvement and maintenance. Such statement shall appear on the face of the plat and in each deed for abutting lots.~~

Under Section 2.02 -Definitions of the Land Subdivision and Development

*Right-of-way.* A strip of land dedicated or reserved for a road, crosswalk, sanitary or storm sewer, water main, drainage facility, public utility or other special use. **utilities, or other specific use to serve the lots within a subdivision. Any right-of-way for subdivision planning purposes under this Ordinance shall be required to be specifically shown on any plat. Any such right-of-way shall not be situated within the dimensions or area of any such platted lot, unless specifically permitted hereunder.** ~~The term "right-of-way" for land platting purposes under this ordinance shall mean that every right-of-way hereafter established and shown on a plat is to be separate and distinct from lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.~~

*Road.* Any public or private way set aside as a permanent right-of-way for motor vehicle travel and affording the principal means to abutting properties. ~~For the purpose of this ordinance, the word "road" shall include the words "streets," "highway," "land," "avenue," "boulevard," "alley," "lane," and "drive."~~ **vehicular traffic that results from the subdivision of land, including the entire area within the right-of-way. For purposes of this Ordinance the term "road" shall not include, except as may be specifically required by the Virginia Department of Transportation's Subdivision Street Requirements, effective January 1, 2005, for inclusion into the secondary system of state highways, those areas within approved townhouse or condominium complexes designated for resident or guest parking and/or utilized to provide ingress and/or egress to and from such designated parking areas. The term "road" shall include, for the purposes of this Ordinance, the words street, highway, avenue, boulevard, alley, lane, and drive.**

*Road, private.* A road owned by one or more persons, restricted in use and not maintained by the Town of Chincoteague, the Virginia Department of ~~Highways [Transportation]~~ or **Transportation, and** one not intended for acceptance **by the developer** into the state highway system.

*Road, public.* A road maintained by the Town of Chincoteague; ~~or the Virginia Department of Highways [Transportation],~~ or one intended for acceptance into the state highway system and approved by the roads engineer as meeting Virginia Department of ~~Highway [Transportation]~~ specifications **Subdivision Street Requirements, as herein provided.**

**\*\*This is the Planning Commission's Draft to Council**

To: Mayor & Town Council  
From: Planning Commission  
Subject: Proposed Subdivision and Zoning Ordinance Changes  
Date:

The Planning Commission on January 5, 2006 conducted a public hearing to receive public comments on the following proposed changes to the current subdivision ordinance and zoning ordinance.

The Commission request that you consider the following changes as presented:

*Section 2.02 Definitions:*

***Fire Safety.*** To assure Fire Safety, Emergency vehicles can adequately service the needs of people and structures associated with parking areas and parking lots, an Emergency Lane (s) shall be established that provides vehicle access to at least 100 feet of three (3) sides of any structure(s) with a lane width of 18 feet.

***Parking Lot.*** A off street facility, including parking spaces, along with adequate provisions for drives and aisles for maneuvering and giving access, and for entrance and exit, all laid out in a way to be usable for parking.

Spaces shall be defined and shall be 10 feet by 20 feet for automobiles and 10 feet by 30 feet for boat trailers where applicable. A parking area for boat trailers shall be established in a separate area from vehicle parking and not adjacent to any public right-of-way or within 30 feet of such.

Aisles shall be 22 feet or more in width.

Access and exit from and to Town roads shall meet VDOT standards for width and paving and shall be at least 50 feet in length. At the point of leaving the required right-of-way, developers may be required to construct roadways and turn-arounds within parking lots to VDOT standards to provide the capability of Town acceptance at future times.

All parking lots and parking areas shall be constructed and maintained by a paved surface meeting VDOT standards.

Parking lots will be required to have safe pedestrian traffic capability by providing sidewalks or defined safe walkways that provide access to the structures served by these lots.

***Parking Space.*** A off-street space available for parking of (1) one motor vehicle and having an area not less than 10 feet by 20 feet and an area of 10 feet by 30 feet for boat trailers exclusive of passageways and driveways appurtenant thereto, and having direct access to a street or road.

***Right-of-way.*** A strip of land dedicated or reserved for a road, ~~crosswalk~~, sanitary or storm sewer, water main, drainage ~~facility~~ **facilities**, public utility or other special use **to serve lots within a subdivision. Any right-of-way for subdivision planning purposes under this Ordinance shall be**

**required to be specifically shown on plat. Any such right-of-way shall not be situated within the dimensions or area of any platted lot, unless specifically permitted hereunder. ~~The term "right of way" for land platting purposes under this ordinance shall mean that every right of way hereafter established and shown on a plat is to be separate and distinct from lots or parcels adjoining such right of way and not included within the dimensions or areas of such lots or parcels.~~**

**Road.** Any public or private way set aside as a permanent right-of-way for ~~motor vehicle travel and affording the principal means to abutting properties.~~ **vehicular traffic that results from the subdivision of land, including the entire area within the right-of-way. For purposes of this Ordinance the term "road" shall not include, except as may be specifically required by the Virginia Department of Transportation's Subdivision Street Requirements, effective January 1, 2005, for inclusion into the secondary system of state highways, those areas within approved townhouse or condominium complexes designated for resident or guest parking and/or utilized to provide ingress and/or egress to and from such designated parking areas.**

For the purpose of this ordinance, the word "road" shall include the words "streets," "highway," ~~land,~~ "avenue," "boulevard," "alley," "lane" and "drive."

~~**Road, private.** A road owned by one or more persons, restricted in use and not maintained by the Town of Chincoteague, the Virginia Department of Highways [Transportation] or one not intended for acceptance into the state highway system.~~

**Road, public.** A road maintained by the Town of Chincoteague, the Virginia Department of Highways [Transportation] or one intended for acceptance into the state highway system and approved by the roads engineer as meeting Virginia Department of Highway [Transportation] specifications. **Transportation Subdivision Street Requirements, as herein provided.**

**(a.) Private roads are prohibited.**

14.08. *Effect of recordation of the final plat.* Upon the recordation of final plat, and only after such recordation, the developer may transfer or sell lots included within such final plat, and the developer may exhibit such final plat in promoting the sale of such lots. Furthermore, the developer or a subsequent owner may acquire a building permit for construction on a lot covered by such final plat. In all advertising of lots covered by a final plat, the developer shall:

(a) State whether officially approved water and sewerage facilities are available or not.

~~(b) State whether roads are public or private.~~

~~(c)~~ (b) State whether [the] lot is located in the floodplain.

14.09. *Improvements required to be provided in a major subdivision.* The following improvements shall be provided by the developer in a major subdivision as a prerequisite for recordation of the final plat, as may be required:

(a) **All roads ~~Public roads as may be required.~~ shall be developed in accordance with the Virginia Department of Transportation 2005 Subdivision Street Requirements, as may be amended from time to time, and eligible for addition to the Urban Highway Standards of state highways maintained by the Virginia Department of Transportation and/or the Town of**

**Chincoteague, if the developer and/or the owners of the lots, parcels, or units within the subdivision; or alternatively, in the event that the developer does not intend such roads to be added to the secondary systems, a legally enforceable covenant or agreement, not subject to modification or revocation, whereby the owners of such lots, parcels, or units or an association comprised of such owners are financially obligated to maintain such road in accordance with the above requirements or criteria subsequent to the termination of the development's maintenance obligation. A valid land use permit for connection to a public road is required.**

- (b) Drainage improvements.
- (c) Installation of water and/or sewer mains, if public service is available.
- (d) Surveying monuments.
- (e) Street signs on ~~public~~ **all** roads.
- (f) Such other improvements as the planning commission may have made a part of its approval of the final plat.

All such improvements shall be made in conformance with the construction plans and specifications approved with the final plat.

15.04. *Effect of recordation of the final plat.* Upon the recordation of final plat, and only after such recordation, the developer may transfer or sell lots included within such final plat, and the developer may exhibit such final plat in promoting the sale of such lots. Furthermore, the developer or a subsequent owner may acquire a building permit for construction on a lot covered by such final plat. In all advertising of lots covered by a final plat, the developer shall:

- (a) State whether officially approved water and sewerage facilities are available or not.

~~(b) State whether roads are public or private.~~

~~(c)~~ **(b)** State ~~whether~~ the lot(s) ~~is~~ **are** located **within** the floodplain.

15.05. *Improvements required to be provided in a minor subdivision.* The following improvements shall be provided by the developer in a minor subdivision as a prerequisite for recordation of the final plat, as may be required:

- (a) ~~All roads Public roads as may be required.~~ **All roads shall be developed in accordance with the Virginia Department of Transportation 2005 Subdivision Street Requirements, as may be amended from time to time, and eligible for addition to the Urban Highway Standards of state highways maintained by the Virginia Department of Transportation and/or the Town of Chincoteague, if the developer and/or the owners of the lots, parcels, or units within the subdivision; or alternatively, in the event that the developer does not intend such roads to be added to the secondary systems, a legally enforceable covenant or agreement, not subject to modification or revocation, whereby the owners of such lots, parcels, or units or an association comprised of such owners are financially obligated to maintain such road in accordance with the above requirements or criteria subsequent to the termination of the development's maintenance obligation. A valid land use permit for connection to a public road is required.**



- (b) Drainage improvements;
- (c) Installation of water and/or sewer mains, if public service is available;
- (d) Surveying monuments;
- (e) Street signs on ~~public~~ **all** roads; and
- (f) Such other improvements as the planning commission may have made a part of its approval of the final plat.

All such improvements shall be made in conformance with the construction plans and specifications approved with the final plat.

16.03. ~~Public~~ Roads, **public** . The following standards shall apply to the layout of ~~public~~ **all** roads:

**(a) Private roads are prohibited.**

- ~~(a)~~ (b) The arrangement, character, extent; grade, width, and location of all roads shall be acceptable to the roads engineer and shall be considered in their relation to existing and planned roads, to topography, to public convenience and safety and to the proposed uses of the land to be served by such roads.
- ~~(b)~~ (c) The road layout shall provide for the continuation or projection of roads already existing in the area, unless such extension is undesirable for reasons of topography, design, or safety.
- ~~(c)~~ (d) The name of any proposed road shall not be the same or similar to the name of any existing road, and shall be approved by the governing body, except that extensions of existing roads shall bear the same name as the existing road.
- ~~(d)~~ (e) Local roads shall be laid out so as to discourage their use by through traffic.
- ~~(e)~~ (f) If a portion of a parcel is not to be subdivided at the present time, suitable access for the future subdivision of such portion shall be provided, unless such unsubdivided portion is clearly unsuitable for development.
- ~~(f)~~ (g) Where stub roads are provided abutting unsubdivided land, temporary easements for turnarounds may be required by the roads engineer, zoning administrator or planning commission.
- ~~(g)~~ (h) Where natural features or the design concepts employed make their use appropriate, cul-de-sacs may be used. Cul-de-sacs shall not be more than 800 feet in length, except by permission of the town, and each cul-de-sac shall be terminated with a turnaround of not less than a ~~30~~ **50** foot radius in diameter.
- ~~(h)~~ (i) Layout of roads shall minimize the number of access points to collector roads and arterial highways.
- ~~(i)~~ (j) Layout of roads shall minimize pedestrian and vehicle conflict points. The town may require the installation of sidewalks when such improvements are important to traffic safety.

~~(j)~~ (k) Alleys should be avoided whenever possible.

~~(k)~~ (l) Multiple intersections involving the junction of more than two roads shall not be used, except by permission of the town. Roads shall be laid out to intersect as nearly as possible at right angles.

~~(l)~~ The minimum width of proposed roads, measured from lot line to opposite lot line, shall be as shown on the town's major road plan, or if not shown on such plan, shall be:

~~1. Collector roads, not less than 50 feet.~~

~~2. Local roads, not less than 50 feet.~~

~~3. Service roads and other roads, not less than 50 feet.~~

~~4. Alleys, if permitted, not less than 20 feet.~~

~~When any subdivision abuts an existing public road with inadequate right of way, the town may require the developer to dedicate the necessary right of way to meet the minimum right-of-way requirement as indicated above to the Virginia Department of Transportation.~~

~~(m)~~ All proposed roads shall be constructed by the developer in accordance with Virginia Department of Transportation secondary roads specifications and requirements.

(n) The developer shall install at all intersections street signs of a design approved by the roads engineer at the expense of the developer.

~~16.04. Private roads.~~ The following standards shall apply to private roads:

~~(a)~~ Private roads may not be platted within a subdivision, except when the subdivision is designated a small scale or low density development with the total number of lots to be served not exceeding ten. The developer shall specify on all plats that the roads are private and not subject to be maintained by the Commonwealth of Virginia or the Town of Chincoteague. The developer by written statement shall further agree to release, discharge and absolve all governmental agencies from all immediate and future responsibility with regard to the improvements or maintenance of the private roads and rights of way so established, and shall record such statement with the deeds of transfer for each lot fronting on a private road. (See addendum 5 for example.)

~~(b)~~ Private roads shall have a right of way of not less than 30 feet for their entire length and shall connect to a public road, unless the town shall waive such requirement. In making such exceptions, the town may attach such additional requirements and limitations on the subdivision as it may judge appropriate.

~~(c)~~ No private road access shall be established nor the number of lots served by an existing private road right of way increased unless the roads engineer approves the access of that private right of way to the public road system.

~~(d)~~ No private road right of way shall be platted until the developer has specified in writing who is responsible for its improvement and maintenance. Such statement shall appear on the face of the plat and in each deed for abutting lots.

The Planning Commission also recommends the following changes and/or additions to the Town's Zoning Ordinance:

In Commercial District C-1; Section 4.2.4 Conditional Use Permits Add new section;

**4.2.4.1 Parking Garages and other similar structures**

In Commercial District C-2; Section 4.5 4 Conditional Use Permits Add new section;

**4.5.4.1 Parking Garages and other similar structures**

**Amend section 6.6.7 as follows:**

**“For marinas and other similar facilities, except as expressly provided herein, whether any main building is erected or enlarged or not, there shall be provided at least one (1) parking space for each mooring (10'x30'), plus ten (10) parking spaces for each single width boat ramp, with each space ten feet (10 ft) in width by forty-five feet (45ft) in length plus the parking spaces required by Section C, as applicable, if there are buildings. Any private non-commercial marina located on the same parcel of land, used in conjunction with the main use on such parcel and the use of which is restricted to the owners(s) or occupants(s) with or without compensation, shall require one additional parking space in excess of the number required for the main structure or use.”**